HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9183 of 2007

Dated:27.04.2007

Between:

D.Simhachalam and three others.

…Petitioners

And:

Government of A.P., reptd., by its Special Chief Secretary, Revenue, Department, (Registration), A.P.,Secretariat, Hyderabad and another.

…Respondents

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ORDER:

Petitioners state that they are the absolute owners and possessors of land to an extent of 470 square yards in Sy.No.151/1C of Adivivaram Village, Chinagadili Mandal, Visakhapatnam. It is stated that they intended to sell the said lands and in that process, approached the second respondent, to register the same in favour of the intending purchasers. The grievance of the petitioners is that the second respondent is not accepting any document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land

in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the second respondent to receive and process the document that may be presented by the petitioner and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

27.04.2007
dr

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77